

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER EMMANUEL RODRIGUEZ,

Plaintiff,

v.

MAJOR LEAGUE BASEBALL, OFFICE OF
THE COMMISSIONER OF BASEBALL
d/b/a MAJOR LEAGUE BASEBALL, and
ALLAN HUBER "BUD" SELIG,

Defendants.

AMENDED COMPLAINT

13 Civ. 7097 (LGS)

Plaintiff Alexander Emmanuel Rodriguez ("Plaintiff" or "Mr. Rodriguez"), by his attorneys, Reed Smith LLP, Tacopina Seigel & Turano, P.C. and Gordon & Rees LLP, alleges as follows:

PRELIMINARY STATEMENT

1. Major League Baseball ("MLB"), Commissioner Allan H. "Bud" Selig ("Commissioner Selig" or "Selig") and other officials at MLB (collectively, the "Defendants") have – throughout at least all of 2013 – been engaged in a systematic effort to destroy the reputation and career of Alex Rodriguez, one of the most accomplished Major League Baseball players of all time. Defendants engaged in this tortious conduct so as to distract attention from Commissioner Selig's past inaction and tacit approval of the use of performance enhancing substances ("PES") in baseball, and in an attempt to secure Selig's legacy as the "savior" of America's pastime.

2. For the past year-and-a-half, Defendants have investigated Biogenesis of America, LLC (“Biogenesis”), a clinic in Coral Gables, Florida, that allegedly supplied a number of professional ballplayers with banned PES. From the start of their investigation, Defendants have engaged in vigilante justice. They have paid individuals millions of dollars and made promises of future employment in order to procure evidence and testimony to use against Mr. Rodriguez – with complete disregard for the veracity of their purchased evidence. They have bullied and intimidated those individuals who refused to cooperate with their witch hunt; and singled out Plaintiff for an unprecedented 211-game suspension – the longest non-permanent ban in baseball history. Moreover, when Plaintiff sought to defend himself against Defendants’ scorched earth investigation, Defendants falsely accused Plaintiff of interfering with their investigation by attempting to tamper with witnesses and evidence, and *increased* the length of his ban based on such spurious allegations.

3. Unable to procure all of the “evidence” it desired through its intimidation and bribes, MLB initiated a sham lawsuit against Biogenesis in state court in Miami, Florida, in order to obtain information about MLB players. This abuse of the court system seemingly reached its full expression when MLB conspired with Biogenesis and its owner, Anthony Bosch, to drop its claims against Bosch – currently under multiple criminal investigations for dispensing PES to minors – in exchange for his cooperation.

4. Defendants then used this “evidence” to destroy Plaintiff’s reputation by continuously leaking false and misleading stories to the media concerning Mr. Rodriguez, his alleged PES use, and MLB’s investigation and discipline of him. Commissioner Selig even went so far as to appear on David Letterman’s national program three weeks before

Plaintiff's suspension was officially announced to discuss the investigation and the financial consequences to Mr. Rodriguez of the punishment MLB was going to impose.

5. MLB's tortious conduct – which includes its incessant leaking of false and misleading stories to the press, its paid solicitation of “evidence” against Mr. Rodriguez, its purchase of documents it knew to be stolen and intimidation of witnesses who would not provide MLB with the testimony it sought, and its initiation of a sham lawsuit in order to procure evidence against Mr. Rodriguez – have irreparably harmed Mr. Rodriguez's reputation, which has interfered with his ability to monetize potential endorsements and other deals, and has rendered the full performance of his Yankees contract impossible.

6. Plaintiff thus seeks compensatory and punitive damages from Defendants as a result of such misconduct, which has interfered with his actual and prospective contractual relationships with third parties, including the New York Yankees.

JURISDICTION AND VENUE

7. This action was initially filed in the Supreme Court of the State of New York, New York County. On October 7, 2013, Defendants removed the case to this Court pursuant to 28 U.S.C. § 1441(b). By filing this Amended Complaint, Plaintiff does not waive any rights or arguments with respect to the subject matter jurisdiction of this Court.

8. Venue is proper in this Court because MLB maintains its principal office in this County.

PARTIES

9. Plaintiff, Alex Rodriguez, is an individual residing in Florida.

10. Defendant Major League Baseball is an unincorporated association whose members are the 30 Major League Baseball Clubs. MLB is headquartered at 245 Park Avenue, New York, New York, 10167.

11. Defendant Office of the Commissioner of Baseball (“OCB”) is an office created pursuant to the Major League Agreement entered into by the member clubs of Major League Baseball, and is located at 245 Park Avenue, New York, New York. Upon information and belief, the OCB has the power to act for and bind Major League Baseball in business matters centralized in the league, and does business as Major League Baseball.

12. Defendant Allan Huber “Bud” Selig is the Commissioner of Major League Baseball who, upon information and belief, resides in Milwaukee, Wisconsin.

STATEMENT OF FACTS

I. BACKGROUND

A. Alex Rodriguez and His Distinguished Career, Both On and Off the Baseball Diamond

13. Alex Rodriguez is a professional baseball player who plays third base for the New York Yankees. Well known by his nickname “A-Rod,” he previously played shortstop for the Seattle Mariners and the Texas Rangers.

14. Mr. Rodriguez is considered one of the most talented baseball players of all time. Mr. Rodriguez is a 12-time All-Star, 3-time Most Valuable Player, and 10-time Silver Slugger Award winner. He is the youngest player ever to hit 500 home runs, breaking the record Jimmie Foxx set in 1939. He is also the youngest player to hit 600 home runs, surpassing Babe Ruth’s record by over a year, and currently stands just 6 home runs short of Willie Mays’ career total of 660. Mr. Rodriguez has had fourteen seasons of

over 100 runs batted in in his career, more than any other player in history. He is also the MLB career leader in grand slam homeruns.

15. Mr. Rodriguez is an active supporter and contributor to, among other things, the Florida community. For example, in 2003 Mr. Rodriguez donated \$3.9 million to the University of Miami to renovate its baseball stadium. In 2007, Mr. Rodriguez received the University of Miami's Edward T. Foote II Alumnus of Distinction Award, three years after he was named an "honorary alumnus" of the University. He is also a member of the University of Miami's Board of Trustees and is active in other charitable and non-profit activities.

B. The Disastrous Tenure of Commissioner Selig

16. Selig is the 9th and current Commissioner of Major League Baseball, having served in that capacity since 1992.

17. Prior to becoming the Commissioner, Selig was the owner of the Milwaukee Brewers, one of the MLB teams. As owner of the Brewers, Mr. Selig was part of a scheme to collude with the other owners of Major League teams to keep ballplayers' salaries down, and to enrich themselves. From 1985-1987, Selig and the other owners secretly agreed to limitations on the length and size of the contracts they would sign with Major League ballplayers. In 1986, this resulted in a 16% drop in the average free-agent salary, while MLB reported revenue increases of 15%. Selig and the owners were ultimately caught, censured by then-acting commissioner Fay Vincent, and ordered to pay a \$280 million fine to the players.

18. Mr. Selig's tenure as Commissioner is as scandal-ridden as his term as owner, plagued by some of the most contentious and damaging failures in baseball history. For example, early in his tenure, Mr. Selig presided over the 1994-1995 strike, which resulted in the first cancellation of a World Series since 1904. This 232 day strike caused substantial damage to baseball's reputation and resulted in long-lasting declines in game attendance and team revenue.

19. More relevant to this action, however, is Commissioner Selig's dubious record concerning the use of PES by Major League ballplayers. In the aftermath of the reputational harm suffered by MLB as a result of the 1994 strike, baseball was in desperate need of a way to reconnect fans with the game. This salvation came in 1998, in the form of the highly public competition between two MLB players, Mark McGwire and Sammy Sosa, to break Roger Maris's record of hitting 61 home runs in one season. Under the rapt attention of fans worldwide, both McGwire and Sosa beat Maris' record, hitting 71 and 66 home runs, respectively.

20. Over the next few seasons, many of baseball's longest-held records were shattered. In 2001, Barry Bonds broke the previous single season home run record by hitting 73 in one season. Mr. Bonds followed that up in 2007 by breaking Hank Aaron's record for career home-runs, hitting 762. The dramatic competitions involving Bonds, Sosa, and McGwire reignited fans' interest and passion in the game. At the time, many called this period the second "Golden Age of Baseball." Unfortunately, it appears to have been merely the "Golden Age of Steroids."

21. In 2005, Jose Canseco, a former power hitter for the Oakland Athletics released his memoir, *Juiced*, in which he admitted to using steroids throughout his record-breaking career. He also named other MLB players that had allegedly used PES, including Mark McGwire. In the aftermath of Canseco's revelations, Congress launched an investigation into the use of PES by MLB players. Many top players were called to testify before Congress, including McGwire and Sosa.

22. Under increasing pressure from fans and Congress, in 2006, Selig appointed former Senator George J. Mitchell to investigate the use of PES by MLB players. Senator Mitchell's report, released in 2007 (the "Mitchell Report"), found rampant use of banned substances throughout the game. Following the release of the Mitchell Report, Congressman Cliff Stearns called publicly for Selig to step down as Commissioner, citing his "glacial response" to the "growing stain on baseball." Many at the time speculated that Selig, known in the press as the "Steroids Commissioner," deliberately turned a blind eye to prolific steroid use because of the overwhelmingly positive publicity generated by the record-breaking competitions of McGwire, Sosa and Bonds.

23. The Mitchell Report singled out Selig for criticism regarding his handling of PES usage in baseball. It observed, for example, that although MLB theoretically could impose up to a \$2 million fine on clubs that failed to report PES use, at the time of the report, the Commissioner had never actually levied such a fine. The Mitchell Report concluded that "it is clear that baseball missed the early warning signs of a growing crisis."

24. For the third time in his troubled tenure as owner and Commissioner, Selig had to reinvent himself. In early 2013, such an opportunity presented itself in Southern Florida.

II. THE BIOGENESIS MATTER

A. MLB's Investigation into Biogenesis and Anthony Bosch

25. In January 2013, the *Miami New Times*, a free weekly tabloid, published documents provided to it by Porter Fischer, a disgruntled former employee of Biogenesis, an anti-aging clinic located in Coral Gables, Florida. The documents purportedly identified a number of MLB players who used the clinic to obtain human growth hormone and other PES. Mr. Fischer's stated purpose in releasing the documents stolen by him from Biogenesis was to embarrass the owner of the clinic, Anthony Bosch, who Fischer believed owed him some back pay and other monies. Among the players allegedly connected to Biogenesis was Alex Rodriguez.

26. Upon information and belief, MLB had been investigating Biogenesis to little effect since the summer of 2012. The *Miami New Times* publication, however, breathed new life into MLB's moribund inquiry. Selig quickly jumped at the opportunity to vindicate his legacy by showing that he was tough on PES, and to harm Mr. Rodriguez.

27. Although more than a dozen players were identified in the Biogenesis documents, two players quickly became the target of MLB's highly publicized investigation. The first, Ryan Braun of Mr. Selig's former team, the Milwaukee Brewers, had previously avoided suspension by demonstrating that MLB had failed to maintain the proper chain-of-custody for urine samples taken from Braun. The second player was Alex

Rodriguez. Taking down Mr. Rodriguez – one of baseball’s most accomplished and best known players – would vividly demonstrate that Commissioner Selig had learned from the errors of his previous explicit or tacit tolerance of steroid use, and Selig was determined to make sure that everyone knew what he was doing.

B. MLB’s Suit Against Biogenesis

28. On March 22, 2013, MLB sued Bosch, Biogenesis and others in Miami-Dade County Circuit Court (the “Biogenesis Suit”), in order to obtain discovery of the Biogenesis documents discussed in the *Miami New Times* article, among others. Although MLB alleged that the defendants in the Biogenesis Suit were causing harm to MLB through tortious interference, MLB’s true purpose for the Biogenesis Suit was to seek “evidence” that would allow MLB to publicly shame Mr. Rodriguez and to interfere with his career and business dealings.

29. MLB’s suit was immediately criticized by the sports and legal community as lacking merit. For example, one attorney affiliated with NBC Sports wrote that MLB’s suit was:

[A] transparent and cynical attempt by Major League Baseball to obtain documents to discipline its employees, not an attempt to vindicate an actual legal injury, and courts do not like to be used in such a fashion....

They are now suing with the sole intent of getting documents. Which is problematic because the purpose of the legal system is to redress legal injury, not to be used as a cudgel in some employment dispute involving non-parties to the lawsuit or to help sports leagues with their public relations problems.¹

¹ Craig Calcaterra, *Major League Baseball’s lawsuit against Biogenesis should be laughed out of court*, NBC HARD TALK SPORTS, (Mar. 22, 2013), <http://hardballtalk.nbcsports.com/2013/03/22/major-league-baseballs-lawsuit-against-biogenesis-should-be-laughed-out-of-court/>.

30. Similarly, a University of Georgia sports law professor opined in a Reuters article that he “doubt[s] Major League Baseball cares much about getting damages from these people ... It's about getting to the discovery.”² A columnist for *Sports Illustrated* called the Biogenesis Suit “a desperation move with little chance of success.” Such statements regarding the true purpose of the Biogenesis Suit have proven accurate.

31. Immediately after filing its complaint, MLB began aggressively pursuing discovery, serving subpoenas for documents and testimony on numerous parties and non-party witnesses, including Carlos Acevedo, Juan Carlos Nunez, Ricardo Martinez, Biokem LLC, Porter Fischer, Marcelo Albir, BioGenesis of America LLC, Anthony P. Bosch, RPO, LLC, Paulo da Silveira, AT&T, Federal Express and T-Mobile. This initial round of discovery was quickly followed up with additional discovery requests, served upon at least an additional eleven individuals and entities.

32. The swift timing and extensive scope of the discovery sought by MLB demonstrates that a plan to obtain evidence was in place well before the filing of the complaint, confirming the true motive for the Biogenesis Suit.

33. MLB’s fervent quest for discovery did not stop with its initial subpoenas. MLB has relentlessly harassed individuals by cancelling and re-noticing depositions countless times. For example, Lazaro Collazo has been served with at least four notices and re-notices of subpoenas for videotaped deposition.

² Joseph Ax, *Analysis: In suing clinic over drugs, U.S. baseball may be targeting players*, REUTERS, (Mar. 24, 2013), available at http://articles.chicagotribune.com/2013-03-24/sports/sns-rt-us-usa-baseball-lawsuitbre92n0mw-20130324_1_biogenesis-florida-clinic-miami-new-times.

34. Likewise, on August 1st MLB requested an emergency hearing to address Mr. Fischer's compliance with subpoenas for documents despite his not being represented by an attorney. Notably, this "emergency hearing" to compel production was requested to take place on August 2nd.

35. MLB's improper use of the Biogenesis suit to amass evidence against Mr. Rodriguez was done solely with the intent of harming Mr. Rodriguez, interfering with his business relationships, preventing him from obtaining endorsement and other deals, and making it impossible for him to fully perform his contract with the New York Yankees.

C. MLB Engages in Unethical and Illegal Behavior in Pursuing Evidence Against Mr. Rodriguez

36. Although in its complaint, MLB claimed that it brought the Biogenesis Suit to "preserve and enhance the integrity of the game and the image of baseball" (Biogenesis Complaint ¶13), Defendants quickly demonstrated that such integrity did not extend to the prosecution of their investigation.

37. MLB's improper tactics were not limited to subpoenas and motion practice, but also included its scorched-earth approach to gathering "evidence" against Mr. Rodriguez. MLB investigators engaged in illegal and unethical behavior in their quest to produce information that MLB could use to harm Mr. Rodriguez's reputation and career.

38. This conduct included impersonating law-enforcement personnel to gain access to private property, purchasing documents they knew to be stolen, intimidating witnesses that would not provide them with favorable testimony, and cutting a deal with

and agreeing to “go to bat” for Tony Bosch – who they previously sued for tortious interference – in exchange for his providing favorable testimony for MLB.

1. The Checkered Past of MLB’s Investigators

39. MLB’s investigations, including those of Mr. Rodriguez and the other ballplayers allegedly linked to Biogenesis, are conducted out of its Department of Investigations. This MLB department was created in the wake of the Mitchell Report, which laid bare Selig’s tacit approval of PES use in baseball for many years. For purposes of Biogenesis, MLB’s investigation was headed by Dan Mullin. Also working on the investigation were, among others, Edward Maldonado, Ed Dominguez and Nelson Tejada.

40. In assembling its investigatory staff, MLB demonstrated a particular affinity for hiring former law enforcement personnel who had a proven track-record of ignoring procedural safeguards and legal requirements in investigating and prosecuting their cases.

41. As the *New York Post* reported, early in Mullin’s career, he participated in a scheme to falsely investigate and imprison Stacey Miller as a favor to her ex-husband Michael Zerin, alleged to be one of the city’s largest gun dealers. Miller subsequently filed false imprisonment charges against Mullin.³

42. Edward Maldonado, another senior MLB investigator, has a similarly checkered past. In 2008, in a case titled *Andino v. City of New York*, Maldonado was sued for assaulting an individual while moving him from his holding cell, causing injuries to his

³ Julia Marsh, *MLB investigator looking into A-Rod has shady past*, N.Y. POST, (Oct. 7, 2013), available at <http://nypost.com/2013/10/07/mlb-investigator-looking-into-a-rod-has-shady-past/>.

face, arms, ribs, torso and back. The case settled for \$16,800.⁴ Maldonado was sued again in 2011 for failing to supervise officers who used excessive force in restraining an individual. That case is ongoing.⁵

43. Maldonado's failure to supervise his officers should come as no surprise, given his many extra-curricular activities. According to the blog *NYPD Confidential*, Maldonado was investigated in 2010 by the NYPD Internal Affairs Bureau for improper use of NYPD resources and for failure to properly perform his duties, as a result of his moonlighting for MLB and celebrities. Maldonado was ultimately disciplined for this conduct.⁶

44. Another MLB investigator who neglected his official duties while moonlighting for MLB is Ed Dominguez, who was accused by the *Boston Globe* of turning a blind eye to public safety violations while moonlighting as a security officer for MLB during Red Sox games so as to keep his job at Fenway Park.⁷ The *Boston Globe* also insinuated that Dominguez manufactured evidence in order to obtain convictions, reporting that Dominguez cited the same "confidential informant" for 36 warrants in 1988, and for 71 different warrants in another instance.⁸

⁴ 08 cv 9170 (S.D.N.Y. 2008).

⁵ *Alston v. City of New York et al.*, 11 cv 2038 (E.D.N.Y. 2011).

⁶ Leonard Levitt, *The Trouble With Eddie*, NYPD Confidential, Feb. 15, 2010, <http://nypdconfidential.com/columns/2010/100215.html>; Leonard Levitt, *The Case for an Inspector General*, NYPD Confidential, June 18, 2012, <http://nypdconfidential.com/columns/2012/120618.html>.

⁷ Suzanne Smalley, *Officer's Dual Roles with Police, Baseball, Raises Questions*, BOSTON GLOBE, May 11, 2005, at B3.

⁸ Sean Murphy, *Informant Pattern is Called into Question; Repeat use of Same Sources in Hub Warrants is Examined*, BOSTON GLOBE, March 26, 1989, at 1; *Hearing Ordered in Drug Convictions*, BOSTON GLOBE, Aug. 6, 1993, at 25.

45. Nelson Tejada, MLB's Manager of Investigations, was featured in a 2011 documentary, *Ballplayer: Pelotero*, which accuses MLB of taking advantage of baseball prospects in the Dominican Republic. It specifically accuses Tejada and a Pittsburgh Pirates scout of conspiring to minimize a Dominican ballplayer's signing bonus by pressuring the ballplayer to sign with the Pirates for below-market rates. If the ballplayer refused, Tejada threatened to continue an investigation into the age of player, which would scare away other teams.

46. As will be detailed below, the various "skills" that MLB investigators developed in their pre-MLB careers – witness intimidation, production of false evidence, and suborning perjury – were all put to use in MLB's investigation of Mr. Rodriguez.

2. MLB Investigators Harass and Intimidate Potential Witnesses

47. On June 21, 2013, the *New York Daily News* reported that MLB investigators intimidated the former University of Miami pitching coach Lazaro (Lazer) Collazo, a defendant in the Biogenesis Suit, and his family, at his Miami home in March seeking information concerning their investigation. Similar allegations were made by a lawyer representing another defendant in the Biogenesis Suit, Carlos Acevedo.

48. This behavior was not limited to Collazo and Acevedo. Many of the defendants in the Biogenesis suit have signed affidavits attesting that MLB's investigators harassed, intimidated and pressured them in an attempt to obtain their cooperation.

49. In one such affidavit, Jorge Velasquez, the owner of Boca Body Rejuvenation Center, stated that from January through March 2013, MLB investigators

harassed and threatened him. Mr. Velasquez also claims that the investigators approached his landlord, a doctor, and implied that Velasquez was under investigation by the state attorney, resulting in the landlord expelling Velasquez. Mr. Velasquez further claims that MLB's misconduct had a substantial, negative effect on his business.

50. Peter Carbone, the operator of a tanning salon, stated in an affidavit that he was offered \$200,000 to cooperate with MLB's investigation. When Carbone refused the offer, MLB harassed and persecuted him, including by impersonating police officers and forcing his car to the side of the road while he was driving, creating a highly dangerous situation.

51. Marcelo Albir, a former University of Miami ballplayer, similarly stated in an affidavit that MLB's in-house counsel Patrick Houlihan called him under false pretenses about an "internet posting," and then threatened Albir with a referral to law enforcement if Albir did not cooperate – an ethical violation for an attorney. Houlihan's messages were captured on Albir's voicemail.

52. Albir's affidavit further states that MLB investigators Ed Dominguez and Kevin O'Rourke harassed and threatened Albir, as well as his friends and family, including by misrepresenting their identities to the security guards at Albir's gated community, confronting Albir's father at his office where they threatened that Albir would be subject to criminal liability if he did not cooperate, and misleading security guards at Albir's cousin's apartment building to gain access to his cousin's residence. Dominguez approached Albir's friend, threatening that his friend's brother, a minor league ballplayer, would have problems unless the friend spoke to Dominguez about Albir.

53. According to the Albir affidavit, in late March 2013, O'Rourke impersonated a Miami-Dade police officer to get Albir to open the door to his apartment. Once inside, O'Rourke threatened Albir that MLB would sue him if he did not cooperate, but that if he did cooperate, they would not sue him, and would "make it worth his while." When Albir still refused to cooperate, O'Rourke handed Albir a copy of MLB's Biogenesis complaint, and then had him served with the complaint three days later. MLB ultimately dropped its claims against Albir in an effort to avoid exposing its unethical tactics.

3. MLB Investigators Buy Stolen Evidence and Purchase Tony Bosch's Cooperation

54. While busily leaking reports to the media alleging that Mr. Rodriguez was interfering with their investigation, MLB officials were engaged in the very conduct they accused Mr. Rodriguez of perpetrating. On April 11, 2013, the *New York Times* reported that MLB officials were offering cash payments to former Biogenesis employees in exchange for their testimony and documentary evidence in the case. One of the baseball sources quoted in the article attempted to justify MLB's conduct by noting that the payments would not exceed "several thousand dollars."

55. On June 20, 2013, the *Miami New Times* interviewed Porter Fischer, the former Biogenesis employee. In the interview, Fischer provided more details on MLB's attempt to purchase his testimony. He told the *New Times* that MLB investigators offered him \$1,000 per week salary as a consultant if he would cooperate, and on another occasion, offered him \$125,000 for all the Biogenesis records he had, and an affidavit attesting to

their authenticity.⁹ Despite the large sums being offered, Fischer did not provide MLB with the evidence it sought.

56. Unable to procure the documents from Fischer, MLB sought other avenues for obtaining this stolen information. As detailed in an affidavit signed by Gary Jones, a friend of Fischer's, in March 2013, Jones contacted MLB and offered to sell MLB a flash drive containing scans of the Biogenesis documents which Jones told Mullin had been stolen from Biogenesis. Jones had previously offered to sell the documents to Mr. Rodriguez's representatives, but they declined to purchase them. In contrast, Mullin jumped at Jones's offer to sell MLB the stolen documents. After some negotiation, Mullin agreed to pay Jones \$125,000 in cash for the flash drive containing the stolen Biogenesis documents.

57. According to the Jones affidavit, Jones and Mullin met at the Cosmos Diner in South Florida. Mullin handed Jones a manila envelope, which contained the \$125,000 in cash. The cash was in \$100 bills, bundled into \$1,000 bands and then again into \$10,000 bands. After Jones gave Mullin the flash-drive, Mullin told him that MLB would be willing to pay even more money for the original Biogenesis documents, and Jones promised to try obtain the original documents. Both a Jones associate and MLB videotaped this meeting.

58. On March 24, 2012, Porter Fischer's car was broken into, and certain original Biogenesis documents were stolen from the car. Fischer immediately filed a

⁹ Tim Elfrink, *MLB Steroid Scandal: How Porter Fischer Exposed the Coral Gables Clinic*, MIAMI NEW TIMES, (June 20, 2013), available at <http://www.miaminewtimes.com/2013-06-20/news/mlb-steroids-alex-rodriguez/full/>.

complaint with the police. In the police report, Fischer described several meetings with Ed Maldonado, Tom Riley and Dan Mullin who offered him a job and up to \$125,000 for the client files prior to this incident. Shortly after the theft, MLB stopped contacting Fischer about the documents.

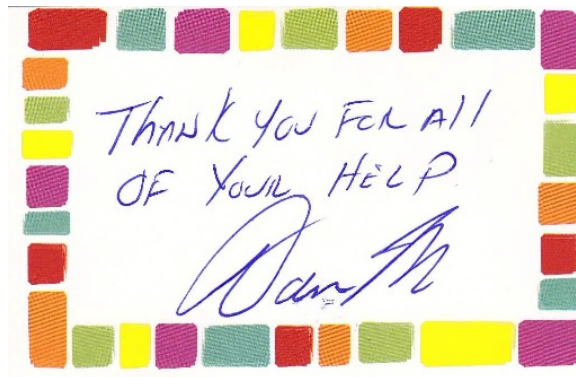
59. A week later, according to the Jones affidavit, Jones obtained the stolen documents. He first called Mr. Rodriguez's representatives to offer the documents for sale, but they once again refused to purchase the documents. Jones then called Mullin, and informed him that these documents were original Biogenesis documents stolen from Fischer. Mullin came to Florida to inspect the documents in person, and took pictures of the documents on his cell phone. Mullin offered to pay Jones \$25,000 for the documents, and Jones accepted. In late April, Mullin and Jones met once again at Cosmos diner, where Mullin paid Jones \$25,000 in cash for the documents stolen from Fischer's car. This time, the cash was in loose \$50 and \$100 bills, and was in a white envelope.

60. Upon information and belief, neither Jones nor MLB filed the required IRS form 8300 for a cash transaction in excess of \$10,000. Failure to do so is a federal offense.

61. In addition to witness intimidation and bribery, Mullin used other inappropriate means of obtaining evidence to use against Mr. Rodriguez.

62. For example, in early February 2013, Mullin and Ed Maldonado interviewed a former Biogenesis employee, Loraine Delgadillo, twice at her home about Bosch and his involvement with MLB ballplayers. As detailed in Ms. Delgadillo's affidavit, at the first meeting, Mullin advised Ms. Delgadillo that she may be called as a witness in the Biogenesis suit.

63. The day following the interview was Valentine's Day, and Ms. Delgadillo unexpectedly received flowers at her home from Mullin, with a card thanking her for her help.



64. A few weeks later Mullin contacted Ms. Delgadillo, and asked her to meet for dinner. She agreed, and they met for dinner, after which they began a sexual relationship. Following that night, Mullin and Ms. Delgadillo exchanged phone calls and text messages, and continued their sexual relationship.

65. MLB's ethically challenged behavior seemingly reached rock bottom in its negotiations with Anthony Bosch, the alleged mastermind who controlled Biogenesis. Multiple media outlets have reported that MLB negotiated with Bosch to drop its suit against him in exchange for his full cooperation in providing evidence and testimony against MLB players. In exchange for his assistance, MLB has also promised to provide Bosch with personal security, pay his legal bills, and indemnify him for civil liability that may arise from his cooperation. Moreover, Robert Miller, a friend of Bosch's, stated in a signed affidavit that Bosch told him that MLB is paying Mr. Bosch a total of \$5 million (in monthly installments) in order to buy his cooperation.

66. In addition, MLB has agreed to “put in a good word” for Mr. Bosch with any law enforcement agencies as may be necessary. And it looks like Mr. Bosch will need that assistance as he – MLB’s “star” witness – is now under investigation by both the U.S. Attorneys’ office in Miami and a Florida State attorney, for providing steroids to minors.¹⁰ Indeed, MLB *knew* that Bosch had many high school ballplayers as clients when it cut its deal with him as the stolen documents MLB purchased clearly noted a number of clients as being in high school. Yet, that did not prevent Defendants from continuing their quest to destroy the reputation of Mr. Rodriguez at any cost.

67. Such are the lengths that Commissioner Selig and MLB have stooped to in their witch hunt against Mr. Rodriguez – paying and protecting someone under investigation for providing steroids to minors.

IV. MLB’S RAMPANT LEAKING OF INFORMATION AND MISINFORMATION CONCERNING MR. RODRIGUEZ

68. In order to maximize the damage that its purchased evidence and false testimony would have on Mr. Rodriguez, MLB and its agents tortiously and maliciously leaked the information about Mr. Rodriguez to multiple media outlets, with the sole purpose of destroying his reputation and harming his career and business dealings. The leaked reports, either explicitly or implicitly attributed to MLB officials, include:

¹⁰ Julie K. Brown, *Grand jury digs into MLB steroid use*, Miami Herald (August 16, 2013) available at <http://www.miamiherald.com/2013/08/16/3567784/grand-jury-digs-into-mlb-steroid.html#storylink=cpy>.

- **February 1, 2013:** Several sources, speaking on the condition of anonymity, told ESPN that documents they reviewed detailed the drug regimens and schedules Mr. Rodriguez allegedly received.¹¹
- **June 5, 2013:** “Two baseball sources” told the *New York Daily News* that MLB was hoping to consummate a deal that would lead to a “100-game” suspension for Mr. Rodriguez.¹²
- **June 26, 2013:** “[S]ources close to the ongoing drama” told the *New York Daily News* that Mr. Rodriguez intended to claim that he was physically unable to perform immediately after returning to the active roster so that he could collect his entire salary before MLB suspended him. The source was quoted as saying: “It’s all about him getting his money and not losing it to suspension.”¹³
- **July 22, 2013:** ESPN reported that “sources familiar with the investigation” said the evidence connecting Rodriguez to Biogenesis is “far beyond” what the league had against Braun.¹⁴
- **July 31, 2013:** A “person familiar with the discussions” told the Associated Press “on condition of anonymity because no statements were authorized” that MLB was “threatening to kick Mr. Rodriguez out of the game for life unless the New York Yankees star agrees not to fight a lengthy suspension for his role in the sport’s latest drug scandal.”¹⁵
- **August 4, 2013:** Sources “familiar with baseball’s investigation” told *Sports Illustrated* that MLB was prepared to announce Mr. Rodriguez’s suspension for the remainder of this season and all of next season for allegedly using PES and interfering with MLB’s investigation. They further noted that the planned suspension could effectively end Mr. Rodriguez’s career.¹⁰

¹¹ T.J. Quinn and Mike Fish, Sources: *Bosch injected A-Rod*, ESPN, (February 1, 2013), http://espn.go.com/espn/otl/story/_/id/8904501/operator-miami-clinic-linked-peds-mlb-treated-yankees-alex-rodriguez-directly.

¹² Bill Madden, *JUICE IS SPILLING MLB seeks to ban A-Rod & others with clinic founder near deal to share detail*, N.Y. DAILY NEWS, June 5, 2013, at Sports p. 56.

¹³ Bill Madden, *Yankees' Alex Rodriguez planning to return and retire to collect fat salary before MLB suspension hits: sources*, N.Y. DAILY NEWS, (June 26, 2013), available at <http://www.nydailynews.com/sports/i-team/sources-a-rod-hoping-cash-114-m-mlb-nails-article-1.1383664#ixzz2bxQjD689>.

¹⁴ Wallace Matthews, *Source: A-Rod tries to make deal with MLB*, ESPN, (July 22, 2013), http://espn.go.com/blog/new-york/yankees/post/_/id/60347/source-a-rod-trying-to-make-deal-with-mlb.

¹⁵ Ronald Blum, *Person familiar with discussions: MLB threatening Rodriguez with lifetime ban in drug probe*, ASSOCIATED PRESS, (July 31, 2013), available at <http://www.startribune.com/sports/twins/mlb/217708251.html>.

¹⁰ Tom Verducci, *Years of Mistrust Color MLB's Impending Suspension of Alex Rodriguez*, SPORTS ILLUSTRATED, (August 4, 2013), <http://mlb.si.com/2013/08/04/alex-rodriguez-suspension-mlb-biogenesis-ped/>.

- **August 5, 2013:** *New York Daily News* reporter Bill Madden appeared on a news show on SNY TV, stating that baseball sources told him that they did not seek a lifetime ban on Mr. Rodriguez because it would face a skeptical reception before the arbitrator, and because the 211-game ban would effectively end Mr. Rodriguez's career.
- **August 5, 2013:** The Associated Press reported specific details of the "confidential" evidence MLB amassed against Plaintiff and the other suspended ballplayers, including, BlackBerry instant message transcripts, records of text messages, and Facebook profiles.¹⁶
- **August 19, 2013:** In an interview with ESPN's *Outside the Lines*, TJ Quinn stated that he had "seen" and received descriptions of certain of MLB's alleged evidence concerning Mr. Rodriguez.
- **September 1, 2013:** *New York Post* reporter Joel Sherman reported details of MLB's evidence obtained from Anthony Bosch, including the timing of alleged PES usage.¹⁷
- **September 27, 2013:** "One baseball person" told the *New York Daily News* regarding Mr. Rodriguez that "What you have here is a player who has purposely engaged in activity designed to save his butt, despite the fact that he knows damn well he's guilty."¹⁸
- **October 16, 2013:** The *New York Daily News* reported that during Anthony Bosch's testimony in the arbitration sessions, the Biogenesis founder "authenticated a pile of documents and electronic communications" that MLB says reflect the League's conclusion that Rodriguez acquired banned substances from Bosch.¹⁹

69. MLB's leaks were not limited to allegations concerning Mr. Rodriguez's supposed PES use and his suspension. In April 2013, media outlets started reporting (incorrectly) that Mr. Rodriguez interfered with MLB's investigation by attempting to pay

¹⁶ *Electronic trail helped MLB with bans*, ASSOCIATED PRESS, (Aug. 5, 2013), available at http://espn.go.com/mlb/story/_id/9546552/mlb-built-biogenesis-case-facebook-texts-report-says.

¹⁷ Joel Sherman, *2009 Words Get in the Way of A-Rod's 2013 PED Explanation*, N.Y. Post, (September 1, 2013) available at http://www.nypost.com/p/sports/more_sports/words_get_in_way_of_rod_ped_explanation_PA0Qn88DiFSIkUm1ryRztM/1.

¹⁸ Bill Madden, *A-Rod done both on and off field*, N.Y. DAILY NEWS, September 27, 2013, at Sports p. 56.

¹⁹ Teri Thompson, Michael O'Keefe, Bill Madden and Nathaniel Vinton, *MLB's HEAVY HITTER COO Manfred up next in A-Rod case*, N.Y. DAILY NEWS, October 16, 2013, at Sports p. 59

off witnesses and buy and destroy incriminating documents. The leaked reports, either explicitly or implicitly attributed to MLB and its agents include:

- **April 12, 2013:** “Multiple baseball sources” told the *New York Daily News* that Mr. Rodriguez bought Biogenesis documents in order to keep them from MLB investigators.²⁰
- **April 12, 2013:** Yahoo Sports reported that according to “two people briefed on the matter,” investigators for Major League Baseball uncovered evidence that a representative of Alex Rodriguez purchased medical records from a person connected to Biogenesis.²¹

70. One particularly egregious example of MLB’s leaks was vividly demonstrated on August 13, 2013, when *New York Daily News* columnist Bill Madden appeared for an interview on WFAN’s Mike Francesa Show. Mr. Madden made many assertions that he claimed were provided to him by “Baseball.” Mr. Madden’s statements clearly evidenced MLB’s (*i.e.*, “Baseball’s”) efforts to smear Mr. Rodriguez at all costs.

71. Indeed, throughout the interview, Madden discussed confidential details of Mr. Rodriguez’s investigation, punishment, and appeal. When Francesa questioned Madden about the veracity of his information, Madden emphasized that he had complete access to MLB officials, and was getting his information directly from “Baseball.” The confidential and/or defamatory information that MLB officials leaked to Madden, which he then discussed on air, included statements that:

²⁰ Bill Madden, *Sources: Alex Rodriguez bought Biogenesis documents as MLB probe into latest doping scandal intensifies*, N.Y. DAILY NEWS, (April 12, 2013), available at <http://www.nydailynews.com/sports/i-team/sources-a-rod-bought-biogenesis-documents-article-1.1315322#ixzz2bs4HyThO>.

²¹ Mark Townsend, *Reports: Representatives for Alex Rodriguez purchased Biogenesis documents*, YAHOO SPORTS, (April 12, 2013), <http://sports.yahoo.com/blogs/mlb-big-league-stew/report-representatives-alex-rodriguez-purchased-biogenesis-documents-222949996--mlb.html>.

- MLB had the “most evidence” on Mr. Rodriguez of any ballplayer targeted by its investigation, covering “multiple violations of the drug agreement” which would “warrant a lifetime ban if [MLB] wanted to go strictly by the drug agreement.”
- Baseball’s “number one objective” was to ensure that Mr. Rodriguez “would never play” Major League Baseball again because he was the “number one offender of their drug policy.”
- MLB had evidence that Mr. Rodriguez had been using performance enhancing substances “going back three or four years.”
- “Bud Selig was so adamant that he did not want [Mr. Rodriguez] back on the field” that he was “willing to invoke the best interest of baseball” provision of the BA but chose not to do so in order to preserve his relationship with MLBPA.
- Many owners in baseball “wanted Bud to drop the hammer on [Mr. Rodriguez] and get him out of the game.”
- Mr. Rodriguez was willing to accept a 100 game suspension and then retire, but MLB rejected that offer. Madden’s article in the *Daily News* the following day provided even more detail, quoting sources inside baseball as saying that “[a]t first [the 100 game deal] might have sounded compelling to MLB . . . But then the question of who would be paying him the guaranteed contract arose. Baseball couldn’t saddle the Yankees with that.”
- MLB is “frustrated with A-Rod’s people” for attempting to drag out his appeals.

72. Mr. Madden stated several times in the interview that the information he discussed was known only to MLB, and was provided to Madden by MLB officials. MLB and Commissioner Selig engaged in, and continue to engage in this gratuitous smearing of Mr. Rodriguez in the hopes of currying favorable coverage in the press. At least with respect to Mr. Madden, their strategy has succeeded, as reflected in a July 24th article in the *New York Daily News*, where Mr. Madden called Mr. Rodriguez the “most wanted criminal in the game’s history” and even went so far as to compare Mr. Rodriguez to Whitey Bulger, a convicted murderer and organized crime figure.

73. Unsatisfied with the harm caused to Mr. Rodriguez through their leaks, MLB and its agents tortiously and maliciously appeared on national media outlets to malign and impugn Mr. Rodriguez.

74. For example, on July 15, 2013, three weeks before officially announcing Rodriguez's suspension, Bud Selig, the commissioner of MLB, appeared on David Letterman's nationally televised show to discuss MLB's investigation into Rodriguez. Selig confirmed that MLB was in the middle of a "very thorough and tough investigation" into Mr. Rodriguez. In response to Mr. Letterman's question whether Mr. Rodriguez is "ever going to play for the Yankees again?", Selig coyly responded "[o]nly time will tell." Mr. Letterman then asked what the financial consequences of a potential suspension could be for Mr. Rodriguez, and Selig responded "Over one hundred million [dollars]." When Mr. Letterman then asked for additional details concerning the planned suspensions, Selig demurred, but confirmed that he "knew" what they would be.

75. MLB's incessant use of the media against Mr. Rodriguez was further demonstrated on August 19, 2013, when it ambushed Mr. Rodriguez's counsel, Joseph Tacopina, on live, national television with a letter offering to publicly release all confidential information regarding Mr. Rodriguez. In a demonstration of its bad faith, MLB did not send this letter to Mr. Rodriguez's counsel or Mr. Rodriguez. Instead, this letter was delivered *only* to the Today Show, and subsequently "released" by MLB to the *New York Times* and other media outlets.

76. Moreover, MLB cynically used its "investigation" into Mr. Rodriguez to distract attention from the unethical and illegal conduct of its investigators. On October

27, 2013, multiple news outlets reported that senior MLB officials – including Bud Selig – knew that Bosch was providing steroids to minors, and yet still chose to strike a cooperation deal with him as their star witness. This deal involved asking prosecutors for leniency for Mr. Bosch based on his cooperation with MLB. Selig also expressly approved of the other illegal and unethical conduct of MLB’s investigators discussed above, and even went so far as to defend the investigation and his investigators during this year’s World Series stating that he “was very comfortable” with his investigators’ conduct.

77. In order to distract attention from the brewing scandal concerning MLB’s dealing with a known dealer of steroids to minors, MLB’s COO Rob Manfred, lashed out at Mr. Rodriguez, publicly stating that:

This latest, sad chapter in Mr. Rodriguez's tarnished career is yet another example of this player trying to avoid taking responsibility for his poor choices . . . Given the disappointing acts that Mr. Rodriguez has repeatedly made throughout his career, his expressed concern for young people rings very hollow. Mr. Rodriguez's use of PEDs was longer and more pervasive than any other player, and when this process is complete, the facts will prove it is Mr. Rodriguez and his representatives who have engaged in ongoing, gross misconduct.²²

78. MLB’s public persecution of Mr. Rodriguez has known no bounds. MLB went as far as to place negative news stories about Mr. Rodriguez – one of the league’s best players – on his very own website, www.ARod.com, which is hosted by an affiliate of MLB. Such news article were not removed from MLB’s website until Mr. Rodriguez’s management contacted MLB and requested that they be removed.

²² Andrew Marchand, *Rob Manfred Blasts Alex Rodriguez*, ESPN, (Nov. 2, 2013), http://espn.go.com/new-york/mlb/story/_/id/9909186/rob-manfred-fires-back-alex-rodriguez-new-york-yankees.

79. MLB officials tortiously and maliciously made statements to, and/or allowed leaks to be received by, the media in order to damage Mr. Rodriguez's public reputation and prevent him from performing his agreement with the New York Yankees. It believed that doing so would turn public opinion against Mr. Rodriguez, and strengthen their ability to impose a harsh punishment on him, consistent with Bud Selig's goal of cementing his legacy as the commissioner who cleaned up baseball.

V. MLB'S UNPRECEDENTED SUSPENSION OF MR. RODRIGUEZ

80. After months of public denouncement and speculation, on August 5, 2013, MLB suspended Mr. Rodriguez for 211 games, four times the length of the other thirteen players suspended in connection with the Biogenesis investigation, and the longest non-lifetime ban in baseball history.

81. Mr. Rodriguez's 211-game suspension is 146 games longer than any suspension imposed upon any other major league baseball player alleged to have received PES from Anthony Bosch or Biogenesis. On August 6th, Mr. Rodriguez filed a grievance and subsequently appealed the suspension.

82. Despite the fact that he (a) signed the Notice of Discipline imposing a 211 game suspension on Mr. Rodriguez; (b) deemed it acceptable to go on David Letterman's show in July and joke about a looming suspension of Mr. Rodriguez; and (c) publicly defended MLB's investigation during the World Series, Mr. Selig chose to hide in his office in Milwaukee rather than come testify at the grievance hearing in New York. In Mr. Selig's world, apparently the "buck" does *not* stop with Bud.

83. Mr. Selig lacked the courage of his convictions to explain under oath the reasons for the suspension and the conduct of his investigators. His silence on these issues speaks volumes and leads to only one logical conclusion – his actions, and those of the MLB personnel he controls, were aimed at destroying the reputation, career and business prospects of Alex Rodriguez.

84. Sadly, this cowardly stance by Mr. Selig is consistent with his past and highly inappropriate conduct in posing, smilingly, with a young fan wearing a t-shirt with a derogatory message directed at Mr. Rodriguez:²³



One cannot imagine the Commissioner of any other professional sport – or indeed the CEO of any business – doing something similar with respect to one of his or her players or employees.

VI. MLB’S TORTIOUS INTERFERENCE WITH PLAINTIFF’S BUSINESSES, CONTRACTS AND ENDORSEMENTS

85. Mr. Rodriguez has served as a spokesman for many of America’s most venerable brands, including Pepsi, Nike, Wheaties, and Colgate, and has appeared in

²³ *Bud Selig Poses With Kid Wearing ‘A*Roid’ T-Shirt at All-Star FanFest*, NESN, Jul. 30, 2013, <http://nesn.com/2013/07/bud-selig-poses-with-kid-wearing-aroid-t-shirt-at-all-star-fanfest-photo/>.

numerous well-known print and television advertisements on their behalf. Such endorsement contracts supplement a player's salary, and allow players to continue earning an income even after they retire from the game. Procuring these endorsement contracts requires not only prodigious athletic talent, but also a sterling reputation. Prominent brands are quick to disassociate with an athlete at the first whiff of scandal, even if the allegations are subsequently disproven.

86. By soliciting false testimony about Mr. Rodriguez, and then leaking it to the press, MLB has permanently harmed Mr. Rodriguez's reputation. Its gratuitous leaks and public statements concerning Mr. Rodriguez's alleged actions have ensured that Mr. Rodriguez will not secure any endorsement contracts in the future.

87. In fact, two potential sponsors – Nike and Toyota – have terminated negotiations with Mr. Rodriguez for potential sponsorship contracts based on MLB's continual leaks and accusations.

88. Mr. Rodriguez also earns income from royalties associated with products bearing his name, likeness and autograph. Defendants' statements and actions have tarnished Mr. Rodriguez's character, which has resulted, and will continue to result, in the loss of income from these royalties.

89. MLB's conduct has already had a deleterious effect on Mr. Rodriguez's image and business relationships. Among other things, Mr. Rodriguez was cast in the animated movie "Henry & Me," which chronicles the Yankees' history and features team stars from the past and present. Mr. Rodriguez had already performed his own voice work

for his character as the team's hero. However, due to MLB's public and harmful conduct, Mr. Rodriguez is being cut from the film.

90. In addition to his endorsement contracts, Mr. Rodriguez owns a number of small businesses, including a construction company and a Mercedes-Benz dealership near Houston, Texas. The principal asset of these businesses is their affiliation with Mr. Rodriguez, and as such, they rely on his good name and reputation. MLB's public statements concerning Mr. Rodriguez's alleged PES use, and the cover-up of such use, have damaged Mr. Rodriguez's public standing, and as a result, interfered with Mr. Rodriguez's ability to run his businesses.

91. Aside from negatively impacting Mr. Rodriguez's actual and prospective ability to secure endorsements and run his small businesses, MLB's conduct has interfered with Mr. Rodriguez's contract with his current employer, the New York Yankees, rendering his performance – and the performance of the New York Yankees – under that agreement impossible.

92. For example, MLB's conduct could prevent Mr. Rodriguez from reaching certain performance-based milestones in his contract with the Yankees, each of which, standing alone, is worth \$6 million to Plaintiff, up to a total of \$30 million. In sum, the conduct of MLB has caused and continues to cause substantial damage to Mr. Rodriguez.

CAUSES OF ACTION

Count One – Tortious Interference with Prospective Business Relationships

93. Plaintiff restates and re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

94. Plaintiff has served as the spokesman for many internationally known brands, including Nike, Pepsi, and Wheaties.

95. Despite Defendants' knowledge that Plaintiff would lose the ability to secure future endorsement contracts if facts relating to MLB's investigation leaked out, Defendants willfully and maliciously leaked the details of its investigation to the media on an ongoing basis.

96. Moreover, Defendants intimidated witnesses who would be helpful to Plaintiff and provided cash payments to individuals who would provide evidence or testimony helpful to their case, making it more difficult for Plaintiff to vindicate himself in the face of their accusations.

97. Defendants, with the sole intent of harming Plaintiff's reputation, and his present and future business relationships, used these wrongful means to interfere with Plaintiff's business relationships.

98. As a direct result of the Defendants' misconduct, at least two companies – Nike and Toyota – have terminated negotiations with Mr. Rodriguez for potential

sponsorship contracts and, upon information and belief, other companies have refused to consider Mr. Rodriguez for potential endorsement contracts.

99. Defendants are thus jointly and severally liable for the full amount of damages caused to Plaintiff, plus costs and interest, in an amount to be determined at trial.

Count Two – Tortious Interference with Existing Contracts

100. Plaintiff restates and re-alleges the foregoing paragraphs of this Complaint as if fully set forth herein.

101. A valid contract exists between Plaintiff and the New York Yankees which does not expire until 2017.

102. Defendants, with knowledge of this valid agreement, intentionally and improperly attempted to prevent Plaintiff from rendering full performance pursuant to that agreement by, among other things:

- a. Intimidating witnesses and providing cash payments to individuals who would provide them with evidence or testimony that could harm Mr. Rodriguez; and by
- b. Continuously leaking to the press details of their bought testimony.

103. This wrongful conduct was undertaken with the sole intent of interfering with Plaintiff's agreement with the Yankees or rendering performance under that agreement impossible.

104. Defendants are thus jointly and severally liable for the full amount of damages caused to Plaintiff, plus costs and interest, in an amount to be determined at trial.

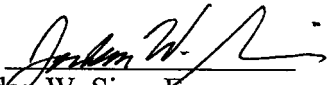
PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands the following relief from Defendants:

- A. An award of compensatory damages from Defendants in an amount to be determined at trial;
- B. An award of punitive damages from Defendants for their intentional and malicious misconduct in an amount to be determined at trial;
- C. An award of attorneys' fees, interest and costs, in an amount to be determined at trial; and
- D. Such other and further relief as the Court deems just, proper and equitable.

Dated: November 26, 2013
New York, New York

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